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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

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In re application of: Schwartzman et al.

Attorney Docket No.:  
CISCP236/114748

Application No.: 09/965,525

Examiner: Sahar A. Baig

Filed: September 26, 2001

Group: 2424

Title: METHODS AND APPARATUS FOR  
ALLOWING COMPONENT  
INTERCHANGEABILITY

Confirmation No: 3761

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Signed: \_\_\_\_\_/Latonia Ervin/  
Latonia Ervin

**PRE-APPEAL REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated below.

Claims 18-26 are rejected under 35 U.S.C. 101 because the Examiner argues that claimed invention is directed at non-statutory subject matter. More specifically, the Examiner argues that the computer readable medium encompasses statutory media such as a ROM, hard drive, optical drive, etc., but also encompasses non-statutory subject matter such as a signal, carrier wave, and airwaves. Applicants respectfully disagree. Claims 18-26 explicitly recite a computer readable storage media having computer code embodied therein. It is respectfully submitted that a signal, carrier wave, and airwaves are not storage media. Claims 18-26 are believed to encompass only statutory subject matter.

In the previous Office Action, independent claims 1, 10, 18, 23, 27, and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (USP No. 2002/0141544) in view of

Stetson (US 6,552,614) and further in view of Jost (US 7,251,820). In light of Applicant remarks, the Examiner is submitting new grounds of rejection. Claims 1-4, 6, 9-12, 14, 17-21, 23, and 26 including independent claims 1, 10, 18, 23, 27, and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Stetson and further in view of White (US 5,983,273).

The Examiner acknowledges that Brown and Stetson do not teach or suggest obtaining parameter information comprising power characteristics of a replacement component for the cable modem from nonvolatile memory and Brown and Stetson do not teach or suggest configuring the operating system to operate the replacement component and report power characteristics from the cable modem to the upstream device.

The Examiner relies on the newly cited White references to describe these recitations. It is acknowledged that Smart describes a smartcard, which the Examiner argues is a nonvolatile memory. However, White does not teach or suggest obtaining parameter information comprising power characteristics of a replacement component from the smartcard. White only describes reading identification information from the smartcard (Figure 7, 715). The identification information from the smartcard is used to authenticate a client. More specifically, "the log-in service 515, with reference to the customer database 540, determines if the identification information is associated with an authorized user of the WebTV Service. If the identification information is not found, processing continues with step 730." (column 9, lines 42-48)

The Examiner also relies on the newly cited White reference to describe configuring the operating system running on the cable modem to operate the component and report power characteristics to an upstream device. The material the Examiner cites states "FIG. 2 illustrates a WebTV client 1 according to one embodiment of the present invention. In this embodiment, the WebTV client 1 includes an Internet terminal 10 (hereinafter referred to as "the WebTV box 10"), an ordinary television set 12, and a remote control 11. In an alternative embodiment of the present invention, the WebTV box 10 is built into the television set 12 as an integral unit. The WebTV box 10 includes hardware and software for providing the user with a graphical user interface, by which the user can access the WebTV network services, browse the Web, send e-mail, and otherwise access the Internet." (column 3, lines 56-61) White only describes a system for browsing the Web on a television set. There is no configuring the operating system running

on the cable modem to operate the component. There are no power characteristics reported to an upstream device. There are no power characteristics reported whatsoever.

None of the references either alone or in combination are believed to teach or suggest the independent claims recitations. White only describes a WebTV box for browsing the web on a television set. Brown only describes “downloading a Configuration File for modem system 12 from a remote TFTP (Trivial File Transfer Protocol) server using TFTP. The configuration file includes SNMP compatible data conveying threshold values defining warning zones near the minimum and/or maximum operational limits for the power level to be used in transmitting signals from system 12 to the CATV head end.” [0019] Other values or default values are believed associated with an operating system and are provided in system memory, which is volatile memory. This is believed to be the conventional system described in the present application. In conventional systems, an operating system is hardcoded with default values. Stetson only describes providing a PGA having a programmable bias current. The direct relationship of distortion performance to bias current within a Class A amplifier is used advantageously to provide programming capability of the PGA bias current. The programmable bias current PGA includes a bias current-setting circuit coupled to the bias input of a power amplifier stage.

None of the references either alone or in combination are believed to teach or suggest the claim recitations noted above. In light of the above remarks above, all independent claims and associated dependent claims are believed allowable for at least the reasons noted above. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
Weaver Austin Villeneuve & Sampson LLP

/Audrey Kwan/

G. Audrey Kwan  
Reg. No. 46,850

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100

## **APPENDIX: PENDING CLAIMS**

1. (Previously Presented) A method, comprising:  
identifying a component included in a cable modem;  
obtaining parameter information comprising power characteristics of the component from nonvolatile memory;  
configuring the operating system running on the cable modem to operate the component and report power characteristics to an upstream device;  
obtaining parameter information comprising power characteristics of a replacement component for the cable modem, the power characteristics obtained from nonvolatile memory;  
configuring the operating system to operate the replacement component and report power characteristics from the cable modem to the upstream device.
2. (Previously Presented) The method of claim 1, wherein the operating system is a cable modem operating system.
3. (Original) The method of claim 2, wherein the component is a tuner.
4. (Original) The method of claim 3, wherein operating the component comprises varying RF transmission power.
5. (Original) The method of claim 3, wherein parameter information comprises IF output information.
6. (Original) The method of claim 3, wherein parameter information comprises band crossover frequency information.
7. (Original) The method of claim 3, wherein parameter information comprises IF AGC Gain Threshold information.
8. (Original) The method of claim 3, wherein parameter information comprises RF AGC Gain Threshold information.
9. (Original) The method of claim 3, wherein parameter information comprises component address information.
10. (Previously Presented) A system, comprising:  
means for identifying a component included in a cable modem;  
means for obtaining parameter information comprising power characteristics of the component from nonvolatile memory;  
means for configuring the operating system running on the cable modem to operate the component and report power characteristics to an upstream device;

means for obtaining parameter information comprising power characteristics of a replacement component for the cable modem, the power characteristics obtained from nonvolatile memory;

means for configuring the operating system to operate the replacement component and report power characteristics from the cable modem to the upstream device.

11. (Original) The system of claim 10, wherein the component is a cable modem tuner.

12. (Original) The system of claim 11, wherein operating the component comprises varying RF transmission power.

13. (Original) The system of claim 11, wherein parameter information comprises IF output information.

14. (Original) The system of claim 11, wherein parameter information comprises band crossover frequency information.

15. (Original) The system of claim 11, wherein parameter information comprises IF AGC Gain Threshold information.

16. (Original) The system of claim 11, wherein parameter information comprises RF AGC Gain Threshold information.

17. (Original) The system of claim 11, wherein parameter information comprises component address information.

18. (Previously Presented) A computer readable storage medium having computer code embodied therein, the computer readable storage medium comprising:

computer code for identifying a component included in a cable modem;

computer code for obtaining parameter information comprising power characteristics of the component from nonvolatile memory;

computer code for configuring the operating system running on the cable modem to operate the component and report power characteristics to an upstream device;

computer code for obtaining parameter information comprising power characteristics of a replacement component for the cable modem, the power characteristics obtained from nonvolatile memory;

computer code for configuring the operating system to operate the replacement component and report power characteristics from the cable modem to the upstream device.

19. (Previously Presented) The computer readable storage medium of claim 18, wherein the operating system is a cable modem operating system.

20. (Previously Presented) The computer readable storage medium of claim 19, wherein the component is a tuner.

21. (Previously Presented) The computer readable storage medium of claim 20, wherein operating the component comprises varying RF transmission power.

22. (Previously Presented) The computer readable storage medium of claim 20, wherein parameter information comprises IF output information.

23. (Previously Presented) The computer readable storage medium of claim 20, wherein parameter information comprises band crossover frequency information.

24. (Previously Presented) The computer readable storage medium of claim 20, wherein parameter information comprises IF AGC Gain Threshold information.

25. (Previously Presented) The computer readable storage medium of claim 20, wherein parameter information comprises RF AGC Gain Threshold information.

26. (Previously Presented) The computer readable storage medium of claim 20, wherein parameter information comprises component address information.

27. (Previously Presented) A method, comprising:  
obtaining parameter information associated with a tuner in a cable modem from a nonvolatile memory;  
characterizing the tuner using the parameter information, wherein the characterization allows the cable modem operating system running on the cable modem to account for power characteristics and drive the tuner to transmit at a desired power level;-  
obtaining parameter information associated with a replacement tuner for the cable modem from the nonvolatile memory;  
characterizing the tuner using the parameter information, wherein the characterization allows the cable modem operating system to account for power characteristics and drive the replacement tuner to transmit at a desired power level from the cable modem.

28. (Original) The method of claim 27, wherein the nonvolatile memory is flash memory.

29. (Previously Presented) The method of claim 28, wherein the tuner is a cable modem RF tuner.

30. (Previously Presented) A cable modem comprising:  
a tuner;  
a nonvolatile memory operable to store power characteristics associated with the tuner;  
a volatile memory operable to temporarily maintain power characteristics;

a processor operable to run a cable modem operating system, wherein the cable modem operating system uses the power characteristics to drive the tuner to transmit at a desired power level, wherein the operating system accesses nonvolatile memory to obtain power characteristics to drive a replacement tuner when a replacement tuner is installed.

31. (Previously Presented) The cable modem of claim 30, wherein the nonvolatile memory is flash memory.

32. (Previously Presented) The cable modem of claim 31, wherein the tuner is a cable modem RF tuner.

33-40. (Canceled)